

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA NO. 1)
PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO PROVIDE DOMESTIC) CASE NO. 92-040
PUBLIC CELLULAR RADIO TELE-)
COMMUNICATIONS IN KENTUCKY RURAL)
SERVICE AREA NO. 1)

O R D E R

On February 10, 1992, Kentucky RSA No. 1 Partnership filed an application seeking a Certificate of Public Convenience and Necessity to provide public cellular radio telecommunications service, for approval of financing, and for establishment of initial rates in Rural Service Area No. 1 ("RSA No. 1") which includes Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall and McCracken counties in Kentucky. Kentucky RSA No. 1 Partnership has requested authorization to construct a cell site in McCracken County.

Concurrent with this case, Kentucky RSA No. 1 Partnership applied in Case No. 92-107¹ for a Certificate of Public Convenience and Necessity to provide cellular service in RSA No. 1 in the Draffenville area. In Case No. 92-107, the Commission approved the

¹ Case No. 92-107, Application of Kentucky RSA No. 1 Partnership for Issuance of a Certificate of Public Convenience and Necessity to Construct an Additional Cell Facility in Kentucky Rural Service Area No. 1 (Draffenville Cell Facility).

initial tariff and granted Kentucky RSA No. 1 Partnership the authority to provide cellular service in RSA No. 1.

Initially, Kentucky RSA No. 1 Partnership filed for a McCracken County cell site located approximately 1/4 mile west of the intersection of Starr Hill Road and Hendron Road at North Latitude 37° 01' 42" by West Longitude 88° 38' 22". Kentucky RSA No. 1 Partnership's request to construct a tower at this site was denied by Commission Order dated July 24, 1992.

On September 4, 1992, Kentucky RSA No. 1 Partnership filed a modified application. This application proposed an alternate cell site in McCracken County. The alternate proposed cell site consists of a 285 foot, or less, self-supporting tower with whip-like antennas mounted on top and parabolic antennas mounted on the sides. The tower will be located off Starr Hill Road, approximately 2/3 mile west of the intersection of Starr Hill Road and Hendron Road, McCracken County, Paducah, Kentucky ("the Paducah site"). The coordinates for the Paducah cell site are North Latitude 37° 01' 54" by West Longitude 88° 38' 47".

Kentucky RSA No. 1 Partnership provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Paducah cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Paducah cell site's construction is exempt from local zoning ordinances. Kentucky RSA No. 1 Partnership has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC"). Kentucky RSA No. 1 Partnership has received approval from the FCC while the FAA and KAZC applications are still pending.

Kentucky RSA No. 1 Partnership verified that each property owner and/or resident within 500 feet of the Paducah cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. On September 9, 1992, the Commission received a protest letter from Jerry A. and Judy Johnson. On September 22, 1992, Kentucky RSA No. 1 Partnership was ordered by the Commission to respond to the Johnsons. The Commission concurrently notified the Johnsons of their right to intervene. To date, no intervention requests have been received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA No. 1 Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Paducah cell site in RSA No. 1 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky RSA No. 1 Partnership be and it hereby is granted a Certificate of Public Convenience and necessity to construct and operate a 285 foot or less cellular radio

telecommunications antenna tower in RSA No. 1 to be located off Starr Hill Road and Hendron Road, McCracken County, Paducah, Kentucky. The coordinates for the Paducah cell site are North Latitude 37° 01' 54" by West Longitude 88° 38' 47".

2. Kentucky RSA No. 1 Partnership shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site construction, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 6th day of November, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director